

**CONTINUING PATENT APPLICATION
TRANSMITTAL** (for Continuing
Applications under 37 C.F.R. §1.53(b))

Attorney Docket No. 79210

First Named Inventor or Application
Identifier:

Drebing et al.




Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request under 37 C.F.R. §1.53(b) for
filing a:

- ☐ Continuation application,
☒ Divisional application,
☐ Continuation-in-Part application,

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
) "Express Mail" Mailing Label Number
) EV 134996168 US
) Date of Deposit August 4, 2003
) I hereby certify that this paper or fee is being deposited
) with sufficient postage utilizing the United States
) Postal Service "Express Mail Post Office to Addressee"
) Service under 37 CFR §1.10 on the date indicated
) above and is addressed to the Commissioner for
) Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
)
) Edward Price
) (Typed or printed name of person mailing)
)
) 
) (Signature of person mailing)

of pending prior application number 09/815,457, filed on March 23, 2001 by inventor(s)
Drebing et al. for AUTOMATED SYSTEM AND METHOD FOR PLACING SLICED FOOD
STACKS IN PACKAGES.

1. ☒ This is a continuation or divisional application. Enclosed is a copy of the prior
application as originally filed, including specification, claims, drawings, and oath or
declaration.
- or -
- ☐ Enclosed is a patent application (for continuation, divisional, or continuation-in-part
applications) containing:
- ☐ _____ pages of the specification (including claims).
☐ _____ sheet(s) of drawings. ☐ Formal ☐ Informal
2. ☒ Amend the specification by inserting before the first line the sentence: --This is a
☐ continuation, ☐ division, ☐ continuation-in-part, of prior application number
09/815,457, filed March 23, 2001, which is hereby incorporated herein by
reference in its entirety.-- The entire disclosure of the prior application, from which
a copy of the oath or declaration is supplied under paragraph 3 below, is considered
as being part of the disclosure of the accompanying application, and is hereby
incorporated by reference therein.
3. ☒ A copy of the executed Oath or Declaration filed in the prior nonprovisional
application is enclosed.

4. ☐ Inventorship:

☐ A newly-executed Oath or Declaration and Power of Attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§ 1.63(a),(d)(5) and (e)).

☐ Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. § 1.63(d)(1)(2)):

☐ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted Oath or Declaration and Power of Attorney (§ 1.41(a) and § 1.53(b)).

5. ☐ An Assignment of the invention to _____, and cover sheet are enclosed.

☐ A check in the amount of \$ _____ to cover the fee for recording the assignment is enclosed.

6. ☒ The prior application is assigned of record to Kraft Foods Holdings, Inc.

7. ☐ A 37 C.F.R. § 3.73(b) statement is enclosed where an assignee seeks to take action.

8. ☒ A preliminary amendment is enclosed.

9. ☒ Drawings:

☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by § 1.138 and before payment of base issue fee.)

☒ New formal drawings are enclosed.

☐ Informal drawings are enclosed.

10. ☒ A separate written request under 37 C.F.R. § 1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

11. ☐ An Information Disclosure Statement is enclosed.
- ☐ A Form PTO/SB/08 is enclosed.
- ☐ _____ References (copies) listed on the Form PTO/SB/08 are enclosed.
12. ☐ A Computer Program Listing Appendix is enclosed.
- ☐ A Transmittal Cover Letter for Computer Program Listing Appendix is enclosed.
- ☐ Two (2) Compact Discs are enclosed.
13. ☐ A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- ☐ A Computer Readable Copy is enclosed.
- ☐ A Paper Copy (Identical to Computer Copy) is enclosed.
- ☐ A Statement Verifying Identity of above Copies is enclosed.
14. ☒ A Return Receipt Postcard is enclosed (MPEP §503).
15. ☐ Priority of application number _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- ☐ The certified copy of the priority document has been filed in prior application number _____, filed _____.
- ☐ A certified copy of the priority document is enclosed.
16. ☒ Power of Attorney:
- ☒ The power of attorney in the prior application is to:
- ☐ Stephen S. Favakeh, Registration No. 36,798
FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406.
and other members of the firm.
- ☒ Customer Number 22242.
- ☒ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

17. ☒ Cancel in this application original claims 1-8 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
18. ☒ The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application,
Less Any Claims Cancelled by Amendment

Basic Utility Fee					\$750.00	\$	750.00
Independent Claims	<u>1</u>	-	<u>3</u>	=	<u>0</u>	x	\$ 84.00 = \$ <u>0.00</u>
Total Claims	<u>6</u>	-	<u>20</u>	=	<u>0</u>	x	\$ 18.00 = \$ <u>0.00</u>
Fee for Multiply Dependent Claims					\$280.00		
or							
Basic Design Fee					\$330.00		
					Total Filing Fee	\$	<u>750.00</u>

- ☐ Applicant(s) assert entitlement to Small Entity Status, reducing the Filing Fee by half to:
19. ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
20. ☒ Charge \$750.00 to Deposit Account No. 06-1135.
21. ☐ The payment of the Filing Fee is to be deferred until the Declaration is filed. Do not charge our Deposit Account.
22. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this request is enclosed.
23. ☐ Also enclosed:

24. ☒ Address all future communications to Customer Number 22242.



August 4, 2003

Date

A handwritten signature in black ink, appearing to read 'Stephen S. Favakeh', written over a horizontal line.

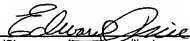
Stephen S. Favakeh

Registration No. 36,798

- ☒ Attorney or agent of record
☐ Filed under §1.34(a)

FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Timothy J. Drebing et al.)	<u>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</u>
)	
Appln No.:	Unassigned)	"Express Mail" Mailing Label Number
)	<u>EV 134996168 US</u>
Filed:	Unassigned)	
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For:	AUTOMATED METHOD)	I hereby certify that this paper or fee is being deposited
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	FOOD STACKS IN)	Service "Express Mail Post Office to Addressee"
	PACKAGES (<i>Amended</i>))	Service under 37 CFR §1.10 on the date indicated
)	above and is addressed to the Commissioner for
)	Petents, P.O. Box 1450, Alexandria, VA 22313-1450.
)	<u>Edward Price</u>
Group Art)	(Typed or printed name of person mailing)
Unit:	Unassigned)	
)	<u></u>
)	(Signature of person mailing)
Examiner:	Unassigned)	

TRANSMITTAL OF FORMAL DRAWINGS

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in this application are twenty-seven (27) sheets of formal drawings to replace the previously submitted informal drawings on file.

Respectfully requested,

By: 

Stephen S. Favakeh
Registration No. 36,798

Date: August 4, 2003

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